

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Ted Wang, being duly sworn under oath and deposed, state the following:

1. This affidavit is being submitted in support of a criminal complaint and arrest warrant charging RICHARD ZANGARI ("ZANGARI") with the Use of Communication Facility to Make a Threat, in violation of 18 U.S.C. § 844(e). The elements of this offense are: (1) the defendant used a telephone or any other instrument of interstate commerce; (2) to willfully make a threat; (3) to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building; (4) by means of fire or an explosive. As detailed below, ZANGARI called the Federal Public Defenders' Office of Philadelphia on or about April 15, 2020, and threatened to kill others using napalm.

I. AFFIANT'S BACKGROUND

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since July 2018. Since January 2019, I have been assigned to the Joint Terrorism Task Force (JTTF) of the Philadelphia Division of the FBI. My duties with the JTTF include investigations of domestic terrorism criminal matters of Title 18 of the United States Code including, but not limited to threatening communication, bomb threats, threats to critical infrastructure, acts of terrorism, fraudulent financial filing and weapons of mass destruction violations. Prior to my employment with the FBI, I was a quality continuous improvement engineer and industrial automation consultant in the pharmaceutical and manufacturing industry of the Fortune 500 and Fortune 1000 companies for approximately 6 years.

3. This Affidavit is based on information that I have personally reviewed as well as information from other law enforcement agencies, including but not limited to the United States Marshals Service and Pennsylvania State Police. I have not included each and every fact that I

know about this investigation in this Affidavit. Still, I have not failed to include facts that would tend to negate probable cause.

II. BACKGROUND OF THE INVESTIGATION

4. ZANGARI had a long history of calling federal and state agencies to leave threatening voicemails, either directly or indirectly related to the agency he called. During 2010, ZANGARI left numerous voicemails with National Security Agency (NSA), where he threatened to blow up Philadelphia Police Department Headquarters and shoot a missile at the home of a Philadelphia Assistant District Attorney. He was prosecuted and convicted of two counts of 18 U.S.C. § 844(e) (the same offense to be charged here) and one count of 18 U.S.C. § 875 (interstate communications) *See United States v. Richard Zangari*, 10-CR -407-CMR. Ultimately, ZANGARI was sentence to 18 months imprisonment. *Id.*

5. After the completion of ZANGARI'S supervised release in 2014, he started to leave threatening voicemails for his United States Probation Officer. ZANGARI was subsequently interviewed by the FBI and instructed to stop contacting his former probation officer.

6. During 2015, ZANGARI started to leave threatening voicemails for the FBI Special Agent who handled the 2014 incident. ZANGARI was again interviewed by the FBI in an attempt to stop the voicemails.

7. On or about October 4, 2019, ZANGARI left a voicemail with the U.S. Marshal Service (USMS) where he claimed that he "gave the US Attorney plenty of chances" and that the US Attorney is all out of chances and is "walking on a thin string." ZANGARI further mentioned he wanted the US Attorney and the Magistrate Judge to "sign it to go straight to the death chamber." ZANGARI did not specify what the "it" was.

8. On or about November 21, 2019, ZANGARI left a voicemail with USMS talking about how lethal injection is still used at the United States Penitentiary in Terre Haute, Indiana. Toward the second half of that voicemail, ZANGARI talked about "...murdering one of you fucking cops here..." to get the money "they have." He did not specify who "they" were. He later spoke about "...putting a bullet..." into an unspecified person because "...I want my money. I figure I can do whatever I want here, it's called extortion..."

9. On or about February 3, 2020¹, between the hours of 3:45 am and 4:00 am, ¹ZANGARI, who identified himself as ZANGARI, left several voicemails at the Philadelphia division of United States Secret Service (USSS). ZANGARI stated the Vice President had 24 hours to sign something, but did not mention what would happen if his demands were not filled within the 24 hour time frame.²

10. On or about April 5, 2020, starting at approximately 4:54 pm, voicemails were left on the main telephone number, 215-987-7654, of Philadelphia division of USSS, from telephone number 267-680-2615. Using CLEAR, a data base check tool, the telephone records showed RICHARD ZANGARI as the subscriber for telephone number 267-680-2615, serviced by T-Mobile USA, Inc. (T-Mobile). In the voicemails, ZANGARI claimed "...I want to know when the fucking idiot US Attorney is fucking signing my ... I'm cutting his fucking hand off. You all better be armed tomorrow with AR-15s inside that fucking building. I don't give a fuck."

More recently, on or about April 6, 2020, a caller using telephone number 267-680-2615 called the FBI Philadelphia main phone number, 215-418-4000. The caller who self-identified as RICHARD ZANGARI had a disjointed conversation with the radio room operator.

² ZANGARI was interviewed by Special Agents of USSS. During the interview, it was determined that ZANGARI did not own a vehicle or have access to one. As such, he walked everywhere and was largely confined to the Center City area of Philadelphia.

ZANGARI went on to threaten "...That's why the US Attorney is going to fucking die in that fucking building. Understand me boy? You a fucking dead man here..."

11. On or about April 5, 2020, ZANGARI, using telephone number 267-680-2615, left voicemails on the main phone number of the Pennsylvania State Police's (PSP) Harrisburg Headquarters. ZANGARI stated the following in his voicemail:

"US Attorney here and I'm going to cut his fucking hand off, understand I just signed myself here a death penalty. Understand me? I should include William Barr at Washington at the Department of Justice. Understand me? That ain't no fucking shit, I will cut his motherfucking hand off... That US Attorney he's a fucking dead man inside that federal building. Understand me? If he doesn't sign it, I'ma cut his fucking hand off. And I guarantee I'm going to get the fuck out of this fucking city alive. Understand me? He's a fucking dead man here period. Understand me? This is what I do, I, (inaudible), who I want to fucking threat. Nobody tells me what to do here. Understand this is my city."

12. During this same voicemail, ZANGARI also stated:

Know how many times I told the US Attorney I will cut his God damn hand off? INAUDIBLE I'm a man of my word. Understand? So God damn lucky. He walks out of that building, I'm going to slice him up so bad, even you can't put him back together.

II. FACTS ESTABLISHING PROBABLE CAUSE

A. Napalm Threat


13. On or about April 15, 2020, your Affiant received a copy of voicemail ZANGARI left with the Philadelphia Federal Defender's Office. The call was placed via a blocked phone number to the Philadelphia Federal Defender's Office public telephone number, 215-928-1100. During the call ZANGARI spoke about napalm, stating:

Napalm package is gasoline and Styrofoam mixed together, what do you think eh? The first person that comes near me, we are gonna go see Jesus together. You know who Jesus is? Here, let me show you, here's the Bible. You know what a Bible is? Ain't nobody got any business coming around me, unless it's for work. That ain't no shit. Understand me? Because I'm not trying to be prejudice against these people.

14. Your affiant has reviewed the messages left by ZANGARI during his previous case. Additionally, your affiant has reviewed all of the phone calls discussed above, including ones where he identifies himself as RICHARD ZANGARI.. Additionally, SA Joseph Donohue has also reviewed all the previous messages. In both your Affiant and SA Donohue's opinion, that it was ZANGARI's voice who left all the messages referenced in this Affidavit.

III. CONCLUSION

15. Based on the aforementioned facts, your affiant believes that there is probable cause to charge RICHARD ZANGARI with the violation of 18 U.S.C. § 844(e).


TED WANG
Special Agent
Federal Bureau of Investigation

Sworn to before me over the telephone pursuant to Fed.R.Crim. P. 4.1 and 4(d) on this 21 day of April 2020:

/s/ Jacob Hart
HONORABLE JACOB P. HART
United States Magistrate Judge